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COMMITTEE ON THE RIGHTS OF THE CHILD

Thirteenth session

SUMMARY RECORD OF THE 337th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 October 1996, at 10 a.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Slovenia (CRC/C/8/Add.25; HRI/CORE/1/Add.35; CRC/C.12/WP.2)

1. At the invitation of the Chairperson, Mr. Bebler, Mrs. Valenčič, Mr. Logar, Mrs. Brvar, Mrs. Bašič, Mrs. Taštanovski and Mrs. Vovk-Železnik (Slovenia) took places at the Committee table.

2. Mr. BEBLER (Slovenia), introducing his country's report, said that Slovenia attached great importance to the Convention as the main international instrument for the defence of the rights of the child, both per se and as a member of society. The Constitution was the basic Slovenian legal text defining the rights of the child: articles 14 to 65 on human rights and fundamental freedoms included references to the rights of the child as set out in the Convention. Article 56 stated that children should enjoy special protection and care, as well as human rights and fundamental freedoms consistent with their age and level of maturity. Various aspects of child rights were covered in legislation which dealt specifically with family policy, social security, health care, education and sport, employment, culture, internal affairs and justice and which had been updated and adapted since 1990 to meet European standards.

3. Special attention was being paid to social policy programmes with an impact on children, especially those aimed at improving their quality of life and economic conditions. For example, the proportion of GDP spent on family policy programmes had risen from 1.23 per cent in 1992 to 1.45 per cent in 1995. The practical implementation of children's rights was handled by public institutes, non-governmental organizations and private individuals, acting on the principle of free choice of services and equal representation of the public, private and voluntary sectors in their provision.

4. Direct legal and administrative mechanisms were available to citizens for the filing of complaints. Children's rights issues could also be referred to the Human Rights Ombudsman. Other monitoring mechanisms included public services inspection bodies, supervisory and counselling services, government institutes and coordinating bodies. Some mechanisms for monitoring social phenomena in childhood were still being developed.

5. The Convention had been translated into Slovene and published in the Official Gazette and other documents. The principles it embodied had been used in the preparation of new legislation and programmes to benefit children. State institutions, non-governmental organizations and private individuals had made every effort since the entry into force of the Convention to promote awareness of the rights of the child among the general public and in the relevant Government offices.

6. Slovenia worked closely with UNICEF, UNHCR, WHO, the ILO and other international organizations on matters affecting children. UNHCR and WHO both had offices in the country. The Government had worked particularly closely with UNICEF and UNHCR in dealing with the large influx of refugees from war-torn areas of former Yugoslavia.

7. Slovenia considered the submission of its initial report as only part of its ongoing effort to implement the Convention. It intended to publish the text of the report and subsequently to open the subject to public debate. The delegation of Slovenia had brought with it a considerable quantity of additional information and publications which would be made available to the Committee.

8. Mrs. BADRAN said she particularly appreciated the statistical information provided in the supplementary information document submitted by the Government of Slovenia in response to the list of issues. She also welcomed the information that Slovenia intended to review its reservation to the Convention with a view to its possible withdrawal.

9. A number of mechanisms had been mentioned in the report for coordinating and monitoring child rights issues. What arrangements were in place for coordinating the operation of those mechanisms themselves? What was the general relationship between non-governmental organizations and the Government, in addition to the part such organizations had played in preparation of the report? She understood that a round-table meeting on children had been held and asked what problems had been discussed and what action would be taken to deal with them. Had any national plan of action been prepared as a consequence of the World Summit for Children?

10. Mr. MOMBRESHORA asked how local and external non-governmental organizations and other persons or bodies involved in work with children had contributed to the preparation of the report.

11. Mrs. EUFEMIO, noting from paragraph 8 (g) of the core document (HRI/CORE/1/Add.35) that only 4.3 per cent of the population had a university education, asked whether social workers were expected to have a university education and what the total number of social workers was. What was the proportion of social workers to the population? Further details on how the social work centres operated, particularly at the municipal level, would be welcome. The municipalities appeared to have wide powers at the local level. What control, if any, did the central authorities have over their actions?

12. She asked whether, during the preparation of the report, the various ministries involved had reviewed the action taken since the ratification of the Convention to determine any deficiencies and ascertain what remedial action should be taken in future.

13. Mrs. VOVK-ŽELEZNIK (Slovenia), replying to Mrs. Badran, said that two Government commissions, the Commission on the Prevention of Child Abuse and the Childhood Issues Monitoring Commission, were coordinating monitoring activities. The latter would also be responsible for drawing up a national plan of action, as recommended by the World Summit for Children.

14. The Government's work with non-governmental organizations was coordinated through a round table, which such organizations were invited to attend. In addition, some 50 non-governmental organizations had been invited to review the initial report. As a result of those activities, a number of corrections had been made to the text of the report.

15. Slovenia had 62 social work centres, which operated at the municipal level. They were financed both by central budget allocations and by municipal contributions. They provided various services; they were also authorized to pay benefits under the Family Allowance Act. In their work with children, the centres gave assistance to children and young people in difficult situations and provided various programmes for children with behavioural disturbances.

16. The relevant parts of the report noted any deficiencies found in the implementation of the Convention. A plan of action would be prepared to remedy those deficiencies; the current discussion with the Committee would undoubtedly make a useful contribution to that effort.

17. Mr. MOMBESHORA asked whether the social work centres were staffed by Government employees or other personnel.

18. Mrs. EUFEMIO asked whether the 62 social work centres were considered adequate to cover the needs of all municipalities. What was the proportion of social workers to the children and families needing their services?

19. Mrs. BADRAN asked what effect the change to a market economy had had on children and whether they had been affected by the 10 days of warfare following Slovenia's declaration of independence. Had programmes for children been affected by those two major events?

20. Mr. KOLOSOV said that the Convention was addressed not only to all levels of Government and society as a whole, but also to children themselves. Although most countries reporting to the Committee claimed that sufficient information was provided to children, schools and teacher training institutions to create awareness of the Convention and provided documentation in support of those claims, members of the Committee in their travels had found that, in general, the majority of children they met were unaware of the rights of the child or of the text of the Convention. How much real awareness of those points had been generated in Slovenian children; were there any plans for further efforts along those lines?

21. Mrs. VALENČIČ (Slovenia) said that high-level qualifications had long been required for social workers in Slovenia. University studies had been mandatory for the past five years. There was a special training establishment for social workers which had the status of a university faculty. In addition to the assistance provided to children by the social work centres, all primary schools in Slovenia had, for the past 30 years, provided counselling teams for children made up of teachers, social workers, psychologists and, where necessary, paediatricians. There were some 700 social workers practising in Slovenia for a total population of 2 million.

22. The reorganization of the system of local administration carried out in Slovenia two years previously had led to the creation of 145 municipalities. The social work centres were active at the municipal level, but each could serve a number of municipalities together. In addition, some counselling centres operated at the regional level.

23. Since Slovenia was a small country, its legislation had been changed so that basic activities could be funded and monitored at the State level either directly, through the various institutes under Government ministries, or indirectly, through local communities.

24. Reference had been made to the concept of the child as a subject of law and to the extent to which children were aware of their rights. She agreed with Mr. Kolosov that children in some countries were often not fully informed, but Slovenian children were aware of their rights and obligations under the Convention. A number of mechanisms had been established to ensure the involvement of children in the decision-making process. The Law on Primary Schools provided for compulsory sessions, at all primary grade levels, during which children could present their views and recommendations on activities of concern to them. In addition, all heads of schools were required to organize school parliaments, which had specific duties. At the municipal level, mayors and representatives of school parliaments met every year to discuss issues proposed by schoolchildren. Annual sessions of the Children's Parliament were convened by the National Assembly with the participation of children's deputies, representatives of all municipalities, NGOs and Government ministers. The conclusions of those discussions were subsequently published and the follow-up action taken on the previous year's decisions was evaluated at each session.

25. The Ministry of Education and Sport had published a booklet entitled "School Rule.", which was based on the Convention and contained instructions on the rights and obligations of schoolchildren, as well as practical information on contact persons and organizations offering professional assistance in areas of relevance to children. The Government intended to distribute 230,000 copies to all Slovenian schoolchildren, teachers and parents. The publication of the booklet was regarded as an important step forward in efforts to increase the population's awareness of the rights of the child.

26. In an attempt to offset the negative consequences of the transition to a market economy, which had inevitably affected the lives of children in Slovenia, the Parliament had adopted a resolution on family policy granting allowances and child-care benefits to low-income families. Allocations in the State budget had also been increased for day-care facilities, free textbooks and school meals, extracurricular activities, foreign language training and computer education. Counselling centres, staffed by professionals, had been established to treat children and adolescents traumatized by the 1991 war. The work being carried out in those centres was supplemented by a therapy programme developed by the Ministry of Labour, Family and Social Affairs.

27. Many children had come to Slovenia as refugees and the Government had taken measures to accommodate the refugee population and integrate the children into Slovenian schools.

28. Mr. BEBLER (Slovenia) said that the negative effects of the transition to a market economy and the war had been mitigated by the fact that Slovenia had not been actively involved in the conflict and, prior to the transition, had enjoyed a relatively high standard of living, with the highest per capita gross national product in the region. As a small and culturally compact

country, Slovenia had felt the consequences of such upheaval less acutely than its neighbours. In addition to the problem of child refugees, however, there had been an increase in social problems, such as unemployment and crime, particularly previously unknown types of violent crime. Child abuse and other crimes against children had probably existed in the past, but had come to light as a result of the new openness in Slovenian society. Despite the difficulties the country faced, total expenditure on social benefits for children had increased, as the Government was determined to counteract the negative trends which had taken shape since the country's independence in 1991 and which were partly the result of social and political conditions and developments in the region.

29. Mr. MOMBESHORA asked whether the ministers attending the sessions of the Children's Parliament had replied to the questions asked by the children.

30. Mrs. VALENČIČ (Slovenia) said that ministers paid great attention to the questions asked at the meetings and responded to the recommendations made. The booklet on "School Rules" was one of the tangible results of such interaction between children and members of the Government. New legislation had, moreover, been adopted on the basis of many of the suggestions and comments made by the Children's Parliament, particularly on matters relating to violence and tobacco and alcohol consumption.

31. Mr. KOLOSOV said that the age of criminal responsibility, 14 years, was too low. He therefore wished to know whether the Government had considered changing that age limit and asked for further information on the level of criminality among children themselves. He also requested an explanation of the discrepancy between the age at which a child had the right to consult a doctor without the consent of his parents, which was set at 15 years, and the age of sexual consent, which was 14 years.

32. Mr. MOMBESHORA, also referring to the right to consult a doctor, asked whether there was a professional body monitoring the ethical standards of medical practitioners and the dispensing of drugs.

33. Mrs. BADRAN asked whether the age of consent to marriage was the same for boys and girls. She would like to have further information on the educational measure of confinement to special organizations, which was applied to juvenile delinquents between 14 and 16 years of age and was referred to in paragraph 17 of the report.

34. Mrs. BAŠIČ (Slovenia) said that juveniles and children had a special position in Slovenia. In legal matters, children were considered as such up to the age of 14 years and were not criminally responsible. In view of the definition of the child under the Convention and as a result of her personal experience working with the victims of ill-treatment and sexual abuse, she agreed that the age of criminal responsibility provided for in Slovenian legislation was too low.

35. In the case of offences committed by children, the police carried out an investigation to ensure that the rights of the victim were protected, but no legal proceedings were instituted against child offenders and provision was made in the law for assistance or treatment by the Centre for Social Work.

Adult crime was on the increase in Slovenia, but offences by children under 14 were declining sharply. At the beginning of the decade, some 2,000 offences by children had been recorded every year, but that figure had dropped to between 800 and 900.

36. In reply to the question about drugs, she said that many new initiatives had been taken for the purpose of prevention. Consideration was being given to the inclusion of new provisions in the legislation applicable in cases where children were abused by adults in connection with drugs, for example, when they were used to transport drugs or were involved in drug dealing. Formerly, the law had not recognized juveniles as victims in such cases, although they could be recognized as the perpetrators of such illegal activities.

37. A number of new measures, based on the best European practice, had been introduced in 1995 in respect of the treatment of juvenile offenders. The earlier legislation was very narrow, concentrating largely on strict control by the Centre for Social Work and the possibility of detention in a correctional centre in cases where the family environment was not conducive to re-education. The new measures ranged from a warning to parental supervision, stricter surveillance by a special care authority or regular visits to disciplinary centres for a certain period. There were a number of open-plan correctional centres and, after the age of 16, the most usual measure was to send the juvenile offender to a special correctional institution or to the juvenile prison in Celje.

38. Mrs. ERVAN (Slovenia), referring to the implementation of the Convention in the field of health, said that an important change had been made in the Law on Health Care and Health Insurance. Under a new article 80, all children up to the age of 19 had the right to a personal doctor at the primary care level. Usually, the doctor was a specialist in paediatrics or school medicine, but he could in some cases be a general practitioner or a doctor with postgraduate training in the medical care of women, children and youth. The aim was to achieve a high quality of care for children at the moment of first contact with the health profession. The Law also provided for the right of the child on reaching the age of 15 to choose his or her personal doctor. An extensive network of outpatient clinics covered all children. There were 59 such clinics for preschool children, 58 for children at school and 60 for women. On average, each outpatient clinic covered 2,500 children up to the age of six. Each outpatient clinic for schoolchildren covered some 6,200 schoolchildren and young persons and each outpatient clinic for women covered an average of 14,600 women over the age of 15. As far as the number of doctors available was concerned, the aim was to have each paediatrician cover 1,000 children up to the age of six, each school doctor to cover 2,300 children and each gynaecologist to cover 7,300 women. It was estimated that, in order to achieve the desired standard, a 30 per cent increase was needed in the number of doctors overall. Only a 14 per cent increase was necessary to achieve primary health care for all children.

39. In reply to the question about the age of marriage, she said that, according to the law, a child should be 18 in order to be able to marry. A child could enter into marriage before that age, however, with the consent of his or her parents. The age was the same for boys and girls.

40. With regard to the right to choose a personal doctor, she said that, on reaching the age of 15, a girl was entitled to consult a gynaecologist on her own behalf and make her own decision regarding abortion or other medical needs. There had perhaps been some misunderstanding about the apparent discrepancy between the age of consent to sexual relations, which was 14, and the age of entitlement to consult a doctor without the presence of the parents, which was 15. On the face of it, there was a vacuum of one year in which the child should have the right to seek medical care on its own in view of the fact that it had the right to decide freely about engaging in sexual relations.

41. Mr. KOLOSOV said that that was precisely his concern. If sexual relations were not punishable after the age of 14, a girl of 14 might well engage in such relations perfectly legally. She might then, however, need to consult a doctor with a view to an abortion or other procedure, but she would be unable to be able to do so on her own without her parents. He believed it would be desirable either to raise the age of sexual consent to 15 or to lower the right to consult a doctor without the presence of the parents to 14.

42. The CHAIRPERSON said that there appeared to be a definite need to harmonize the legislation. Would the delegation be prepared to defend that position on returning to Slovenia?

43. Mrs. BRVAR (Slovenia) said she agreed that there would seem to be such a need. She felt, however, that the difficulty had arisen because of statistical arrangements whereby children of 14 and 15 were classified in the same group. A similar problem had appeared in the case of the ages 18 and 19. The age of majority was 18, but the statistical group included children up to the age of 19. As far as the possibility of children to seek medical help on their own was concerned, most schoolchildren knew their own doctors well and could consult them on their own. The outpatient clinics were very close to the children and children could have free access at any time to the doctors there. She saw no reason why a child of 13, 14 or 15 could not seek medical care.

44. The CHAIRPERSON said that a problem of law was involved. If the law said that a child must be 15 to have the legal right to choose and consult his or her own doctor without the parents' consent and a child of 13 or 14 attempted to do so, the doctor could refuse to see or treat the child. In order to safeguard the right of the child, which was the Committee's basic concern, there was definitely a need to harmonize the legislation.

45. Mr. KOLOSOV drew the delegation's attention to paragraph 12 of the report, which clearly stated that, under the Law on Health Care and Health Insurance, a child had the right to consult a doctor without the consent of his or her parents after he or she had reached 15 years of age. A doctor might well treat a child of 12 or 13, but if he did so without the consent of the parents, he would be committing a criminal offence. There could be cases where, at a later stage, the parents might disagree with the doctor's decision and, in law, he would be criminally responsible. If the age of consent was 14 and a girl of that age needed an abortion and went to a doctor without her parents' knowledge and the doctor gave her the help she needed, he would have committed a criminal offence. He regarded the discrepancy as very serious and

as constituting a danger to doctors, who would either have to refuse to give medical help in such cases or to treat the child illegally and possibly incur criminal responsibility.

46. Mr. MOMBESHORA said that was partly why he had asked whether there was any professional body in Slovenia which supervised medical ethics.

47. Mrs. BRVAR (Slovenia) said that her delegation agreed fully with the point that had been made and would make every effort to see to it that the laws in question were harmonized. In reply to Mr. Mombeshora's question, she said that there were associations of the kind he had mentioned for every profession in Slovenia, the so-called "extended professional collegiums". In addition, there was a Medical Council within the Ministry of Health Care and a Slovene Medical Association which had a special ethical arbitration committee for cases of malpractice or professional error involving ethical issues. The professional activities of paediatricians and school doctors were subject to regular supervision and care was taken to see that all the doctors on the registry in Slovenia complied with the requirement to engage in post-graduate and further training.

48. The CHAIRPERSON invited the members of the Committee to comment on the sections of the list of issues entitled "General principles" and "Civil rights and freedoms".

49. Mrs. HAZEAN said that, according to the report (para. 23), children born in legal wedlock and those born out of legal wedlock had equal rights. Such equality seemed to be qualified, however, by the further statement that those rights could be enjoyed only after the identity of the father had been ascertained. Did the child lose any rights if that could not be done? What was the position of children born of an extramarital association?

50. Mr. MOMBESHORA said that, according to paragraph 43 of the report, the Law on Mass Media was designed to protect children and young people from harmful broadcasts or published material produced in Slovenia. He asked what machinery there was to monitor material coming from outside.

51. Mr. KOLOSOV noted that paragraph 45 of the report stated that national television was required by law to protect children and young people from programmes containing material which might affect their mental and physical development. Were there any legislative, social or educational measures to protect young people from the undesirable effects of foreign television programmes?

52. Paragraph 46 stated that religious education was adapted to the child's religious or other commitment or belief. Who was responsible for choosing the child's religion or belief and after what age was the child free to decide for itself to change or to abandon that belief? According to paragraph 49 of the report, torture was prohibited under the Constitution. Were there any provisions prohibiting corporal punishment? Was such punishment regarded as the normal way of disciplining children within the family or had the public been made aware that other ways of exercising discipline were to be preferred?

53. Mrs. EUFEMIO, referring to paragraph 46 of the report, asked how the child's right to freedom to express its thoughts and opinions within the family was guaranteed. Could cases of violations of that right be dealt with without bringing them to court, for instance, by means of counselling?

54. She had not fully understood the reply given earlier in respect of the training of social workers. Were they required to have a university degree and to pass examinations and did they have to obtain a licence in order to practise?

55. She noted that paragraph 44 of the report stated that films and other programmes liable to be harmful to children and young people could be broadcast only between 11 p.m. and 6 a.m. Was children's viewing of such programmes subject to parental guidance and, if so, how much were parents prepared to screen out unsuitable material? According to paragraph 47, the child could exercise the right of association by taking part in various cultural, recreational and social activities. How popular were those activities and how many children actually took part in them in practice? Was any provision made for activities for children who had dropped out of school and how would their attendance at such activities be monitored?

56. Mrs. VALENČIČ (Slovenia) said that, as she had already explained, recent legislation required that all social workers practising in schools, counselling centres and similar institutions should hold a university degree. After a probationary period of between six months and one year, they had to sit a general qualifying examination and, after that, would go on to sit a further examination in the particular field in which they had chosen to specialize. For more than 30 years, social workers had been employed in schools in Slovenia as members of teams providing assistance and counselling to children.

57. In reply to the question on the right of the child to freedom of thought, conscience and religion, she said that hitherto the law had required that parents or legal guardians had to give consent for children up to 18 years of age to attend classes in religious instruction, but it was planned to lower that age limit. Under new legislation introduced in March 1996, religious education, as well as instruction in ethnics, had been introduced in private schools. Religious education classes were normally held in church after school hours, although, in small towns and rural areas, they could be held in schools by special agreement if permission was requested by the parents.

58. Referring the question about what was done to help school drop-outs, she said that a voluntary body, the League of Associations of Friends of Children, was very active in organizing sports and cultural activities for children in the afternoons after school, at weekends and during holidays. There were also United Nations Clubs at the local level which had special programmes for children, as well as many other organizations and societies. Great efforts had been made in recent years to deal with the problem of school drop-outs. A special network had been set up to try to find appropriate occupations for such children, to involve them in practical activities and to train them for jobs.

59. She emphasized that corporal punishment had never been part of Slovenia's culture and that, like ill-treatment of children in general, it was prohibited by law. In recent years, a great deal of preventive work had been done on the subject. Children had been made aware that any ill-treatment from which they suffered within the family need not be kept secret; indeed, they were encouraged to inform the appropriate authorities if they had been subjected to corporal punishment, which, in her country's view, was an offence against the child almost as serious as torture. Owing to the increased level of public awareness, the number of reported cases of corporal punishment had increased over a four year period from 50 cases to 72, although she was convinced that that did not reflect an actual increase in the corporal punishment of children, but, rather, the fact that children had become more conscious of their rights. However, since some cases went undetected, it would not be realistic to claim that there were no families in Slovenia who used corporal punishment to discipline their children.

60. In reply to the question on the protection of children from pornography and other offensive material, she said that broadcasts on national television were regulated by law and parents were always warned in advance about any films or programmes not suitable for children. No pornographic films were produced in Slovenia and both films and printed matter imported from abroad were subject to strict control.

61. As to the question on the effects on children of the mass media, she said that all films and television programmes had to be prefaced by notices indicating whether or not they contained material unsuitable for children. Violence in the media was a problem which was widely discussed, for instance, in the magazine "Children and the Family", which provided information for parents on many subjects. Lastly, parent/teacher associations held meetings in schools at which parents could receive advice on how to deal with the problem.

62. Mrs. VOVK-ZELEZNIK (Slovenia), replying to the question on the rights of children born out of wedlock, said that the Law on Matrimony and Family Relationships stipulated that such children had the same rights as legitimate children. In cases where the father was not known or did not recognize the child as his own, articles 68 to 70 of that Law required that legal proceedings should be instituted to establish paternity. However, in every other respect children born out of wedlock had the same rights as legitimate children.

The meeting rose at 1 p.m.